

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Efrain V. Perez

v.

Case No. 17-cv-324-PB

Cheshire County Department of
Corrections and United States
Marshals Service

REPORT AND RECOMMENDATION

Plaintiff Efrain V. Perez filed a complaint (Doc. No. 1) and a motion for preliminary injunctive relief (Doc. No. 3), asserting that defendants had engaged in violations of the constitutional rights of inmates at that facility. On July 25, 2017, the court issued an Order (Doc. No. 2) ("July 25 Order") directing plaintiff either to pay the filing fee in this case, pursuant to 28 U.S.C. § 1914, or to file an application to proceed in forma pauperis, pursuant to 28 U.S.C. §§ 1915, 1915A(a).

A copy of the July 25 Order was mailed to Perez at the CCDOC, but was returned to the court undelivered. The court determined that Perez had been transferred to the Federal Correctional Institution, Berlin, New Hampshire, and forwarded the July 25 Order to him at that facility. That mail has not been returned to the court. Having received no response from Perez, the court extended the deadline for Perez to comply with

the July 25 Order until October 30, 2017, and warned Perez that failure to comply with that Order could result in a recommendation that this case be dismissed without prejudice. See Sept. 27, 2017 Order. Perez has not paid the filing fee, applied for in forma pauperis status, sought extension of the October 30, 2017 deadline, or otherwise responded to the court's orders.

Accordingly, the court recommends that the complaint (Doc. No. 1) in this action be dismissed, and the motion for preliminary injunctive relief (Doc. No. 3) be denied, without prejudice, for failure to pay the filing fee or obtain in forma pauperis status in this matter. Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). The fourteen-day period may be extended upon motion. Failure to file specific written objections to the Report and Recommendation within the specified time waives the right to appeal the district court's order. See Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1st Cir. 2016).



Andrea K. Johnstone
United States Magistrate Judge

December 7, 2017

cc: Efrain V. Perez, pro se